

House Bill 987

By: Representatives Lindsey of the 54th, Willard of the 49th, Ralston of the 7th, and Tumlin of the 38th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-11-28 of the Official Code of Georgia Annotated, relating to jurisdiction of juvenile court, so as to provide the juvenile court with concurrent jurisdiction for adoption proceedings under certain circumstances; to amend Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-11-28 of the Official Code of Georgia Annotated, relating to jurisdiction of juvenile court, is amended by adding a new subsection to the end of the Code Section to read as follows:

"(f) *Concurrent jurisdiction as to adoption petitions.* The juvenile court shall have concurrent jurisdiction to hear an adoption petition filed in accordance with Chapter 8 of Title 19, provided that the juvenile court has previously entered:

(1) An order terminating parental rights in such case; or

(2) An unexpired order finding a child deprived and a parent has voluntarily surrendered his or her parental rights in accordance with Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7."

SECTION 2.

Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, is amended by striking subsection (a) of Code Section 19-8-2, relating to jurisdiction and venue of adoption proceedings, and inserting in lieu thereof the following:

"(a) The superior courts of the several counties shall have exclusive jurisdiction in all matters of adoption, except such jurisdiction as may be granted to the juvenile courts by

delegation from the superior court or as allowed pursuant to subsection (f) of Code Section 15-11-28."

SECTION 3.

Said chapter is further amended by striking subsection (a) of Code Section 19-8-13, relating to petitions for adoption, and inserting in lieu thereof the following:

"(a) The petition for adoption, duly verified, together with one conformed copy thereof, ~~must~~ shall be filed with the clerk of the ~~superior~~ court having jurisdiction and shall conform to the following guidelines:"

SECTION 4.

Said chapter is further amended by striking subsection (c) of Code Section 19-8-20, relating to adoption certificates, and inserting in lieu thereof the following:

"(c) The adoption certificate shall be in substantially the following form:

This is to certify that _____ (names of each adopting parent) have obtained a decree of adoption for _____ (full name of adopted child) in the ~~Superior~~ _____ (level of court) Court of _____ County, Georgia, on the _____ day of _____, as shown by the court's records.

Given under the hand and seal of said court, this the _____ day of _____, _____.

Clerk"

SECTION 5.

Said chapter is further amended by striking subsection (c) of Code Section 19-8-26, relating to how surrender of parental rights forms are executed, and inserting in lieu thereof the following:

"(c) The surrender of rights by a parent or guardian pursuant to paragraph (1) of subsection (e) of Code Section 19-8-5 shall conform substantially to the following form:

SURRENDER OF RIGHTS

FINAL RELEASE FOR ADOPTION

NOTICE TO PARENT OR GUARDIAN:

1 This is an important legal document and by signing it you are surrendering all of your
2 right, title, and claim to the child identified herein, so as to facilitate the child's
3 placement for adoption. You are to receive a copy of this document and as explained
4 below have the right to withdraw your surrender within ten days from the date you sign
5 it.

6 _____
7 I, the undersigned, being solicitous that my (male) (female) child, born (insert name of
8 child), on (insert birthdate of child), should receive the benefits and advantages of a
9 good home, to the end that (she) (he) may be fitted for the requirements of life, consent
10 to this surrender.

11 I, the undersigned, (insert relationship to child) of the aforesaid child, do hereby
12 surrender the child to (insert name, surname not required, of each person to whom
13 surrender is made), PROVIDED each such person is named as petitioner in a petition
14 for adoption of the child filed in accordance with Chapter 8 of Title 19 of the Official
15 Code of Georgia Annotated within 60 days from the date hereof. Furthermore, I
16 promise not to interfere in the management of the child in any respect whatever; and,
17 in consideration of the benefits guaranteed by (insert name, surname not required, of
18 each person to whom surrender is made) in thus providing for the child, I do relinquish
19 all right, title, and claim to the child herein named, it being my wish, intent, and purpose
20 to relinquish absolutely all parental control over the child.

21 It is also my wish, intent, and purpose that if each such person is not named as
22 petitioner in a petition for adoption as provided for above within the 60 day period,
23 other than for excusable neglect, or, if said petition for adoption is filed within 60 days
24 but the adoption action is dismissed with prejudice or otherwise concluded without an
25 order declaring the child to be the adopted child of each such person, then I do hereby
26 surrender the child as follows:

27 (Mark one of the following as chosen)

28 _____ I wish the child returned to me, and I expressly acknowledge that this provision
29 applies only to the limited circumstance that the child is not adopted by the person or
30 persons designated herein and further that this provision does not impair the validity,
31 absolute finality, or totality of this surrender under any circumstance other than the
32 failure of the designated person or persons to adopt the child and that no other
33 provision of this surrender impairs the validity, absolute finality, or totality of this
34 surrender once the revocation period has elapsed; or

35 _____ I surrender the child to (insert name of designated licensed child-placing
36 agency), a licensed child-placing agency, for placement for adoption; or

____ I surrender the child to the Department of Human Resources, as provided by subsection (k) of Code Section 19-8-5, for placement for adoption; and (insert name of designated licensed child-placing agency) or the Department of Human Resources may petition the ~~superior~~ (insert level of court) court for custody of the child in accordance with the terms of this surrender.

Furthermore, I hereby agree that the child is to be adopted either by each person named above or by any other such person as may be chosen by the (insert name of designated licensed child-placing agency) or the Department of Human Resources and I do expressly waive any other notice or service in any of the legal proceedings for the adoption of the child.

Furthermore, I understand that under Georgia law an agent appointed by the court is required to conduct an investigation and render a report to the court in connection with the legal proceeding for the legal adoption of the child and I hereby agree to cooperate fully with such agent in the conduct of this investigation.

Furthermore, I hereby certify that I have received a copy of this document and that I understand I may only withdraw this surrender by giving written notice, delivered in person or mailed by registered mail or statutory overnight delivery, to (insert name and address of agent of each person to whom surrender is made) within ten days from the date hereof; that the ten days shall be counted consecutively beginning with the day immediately following the date hereof; however, if the tenth day falls on a Saturday, Sunday, or legal holiday then the last day on which the surrender may be withdrawn shall be the next day that is not a Saturday, Sunday, or legal holiday; and I understand that it may NOT be withdrawn thereafter.

Furthermore, I hereby certify that I have not been subjected to any duress or undue pressure in the execution of this surrender document and do so freely and voluntarily.

Witness my hand and seal this _____ day of _____, ____.

_____(SEAL)

(Parent or guardian)

Unofficial witness

Sworn to and subscribed

before me this _____

day of _____, ____.

2 My commission expires _____. "

4 All laws and parts of laws in conflict with this Act are repealed.